

their loved ones die of a heart attack or other cardiac related ailments while selflessly protecting us from harm.

First responders across the country now face a new series of challenges as they respond to millions of emergency calls this year. They do this with an unwavering commitment to the safety of their fellow citizens, and are forever willing to selflessly sacrifice their own lives to protect the lives and property of their fellow citizens. I see no reason to hold up this important legislation—last Congress the House passed Congressman ETHERIDGE's identical language, and only a single, anonymous Republican hold in the Senate prevented its final passage. I am proud that the Senate has chosen to do the right thing and shown its support and appreciation for these extraordinarily brave and heroic public safety officers by passing the Hometown Heroes Survivors Benefit Act. I urge the leaders of the House to follow our lead and pass this legislation.

#### CLARIFICATION OF SECTION 307 OF H.R. 1298

Mr. GREGG. Mr. President, as chairman of the Health, Education, Labor and Pensions Committee, I want to clarify for the record the intent of Section 307 of H.R. 1298, which we debated and passed a few nights ago. Section 307 amends the Public Health Service Act to provide the Director of the Centers for Disease Control and Prevention the authority to ensure that health programs using injection equipment also work to ensure the safety of injections.

This section specifies only that when injections are involved in medical treatment programs of the U.S. Government, CDC should work hard to ensure that injection safety is maximized, including the use of single-use needles and training of health care workers in injection safety.

Since Federal law prohibits Federal funds from being used to provide needles to illegal drug users, I want to make clear that nothing in this section ought to be interpreted to suggest a change in that policy. Since the activities in this section fall under the jurisdiction of the HELP Committee, we will be monitoring the program with great interest.

#### THE ENFORCEMENT GAP

Mr. LEVIN. Mr. President, earlier this week, the Americans for Gun Safety Foundation released a report entitled the Enforcement Gap: Federal Gun Laws Ignored, analyzing the Justice Department's commitment to enforcing and prosecuting gun laws. The report examines prosecution data acquired under the Freedom of Information Act from the Justice Department for fiscal years 2000 through 2002. The AGS study reveals a significant gap between the number of Federal gun crimes committed and the number of Federal prosecutions initiated.

The report found that 20 of the 22 major Federal gun laws are rarely prosecuted. The two statutes consistently enforced by Federal prosecutors are laws against the use of a firearm in the commission of a Federal crime and a felon in possession of a firearm. The other 20 laws address other illegal firearm activity, including gun trafficking, firearm theft, lying on a criminal background check form, removing firearm serial numbers, and selling guns to minors.

The statistics in the AGS report are startling. According to AGS, in the fiscal year ending September 30, 2002, Federal prosecutors filed 197 cases for gun trafficking, despite 100,000 guns showing signs of trafficking. Only 27 cases were filed against corrupt gun dealers, even though AGS reports that gun dealers are the leading source of firearms recovered in gun trafficking operations. Prosecutors in 22 States filed no cases against individuals committing the 20 least prosecuted crimes. Across the country, only seven cases for illegally selling a gun to a minor were filed, even though more than 30,000 gun crimes were committed by youths age 17 or under. Only 202 cases were filed for possessing or selling a stolen firearm, despite nearly 140,000 reported gun thefts that year in which the make, model, and serial number of a stolen gun was reported to police. And a mere 98 cases for possessing or selling a firearm with an obliterated serial number were prosecuted, despite thousands of these guns being recovered in just a few cities in one year.

I believe vigorous law enforcement is a critical step toward reducing gun violence. I urge the Justice Department to step up its efforts to prosecute not only people who commit gun crimes but those corrupt dealers who put guns in criminal hands.

#### ARMED FORCES DAY

Mr. BURNS. Mr. President, I rise today to honor our military personnel on the occasion of Armed Forces Day.

As a veteran of the Marine Corps, I believe one of the most important things a person can do is serve this great country through the military. Our nation must honor those who take up the call to defend our freedoms and never take for granted those freedoms that all of us enjoy. These freedoms are only because of our veterans and military personnel.

Our active military forces have seen a lot of action as of late. The Guard and Reserve components have seen an increase in their operations as well. The performance of our military men and women has been outstanding. In my home State of Montana, as many as 750 men and women, Active Duty, Reservists and National Guard Personnel are supporting our ongoing operations, both in the United States and overseas. I am especially proud of these folks that have stepped up to the plate and have gone above and beyond the call to duty during these trying times.

Our military has performed honorably in the latest missions with which they have been tasked—the Global War on Terrorism, Operation Enduring Freedom and Operation Iraqi Freedom. We have seen Americans coming together to support these men and women and their families at home.

The men and women who wear our country's uniform are the keepers of the flame that has been passed down through generations. They are the bearers of our national memory. Each and every veteran and military member understands that the cost of freedom is steep. They were willing to accept that cost, so that we may live in peace. Arlington National Cemetery and veterans' cemeteries across this great land are full of those who understand that "freedom is not free." My thoughts and prayers go out to their loved ones for their loss.

I will continue to do my best to ensure that the United States military has the tools, skills and support needed to maintain its position as the finest fighting force in the world. I will also work to ensure that our veterans receive the benefits that they so richly deserve. It is because of their sacrifices each and every one of us are able to be here today.

God Bless our Military Personnel and God Bless America.

#### PROPOSED SENATE RULES CHANGE

Mr. LEAHY. Mr. President, Republican partisans are acting as if Senate Democrats were treating President Bush's judicial nominees the way Republicans treated President Clinton's. That is not the case. We have worked hard to repair much of the damage of Republican mistreatment of President Clinton's nominees. When we led the Senate we moved forward at twice the rate that Republicans had and during our leadership 100 of President Bush's judicial nominees were confirmed. This year we have proceeded to consider and confirm another 25 lifetime judicial appointments. I would understand the partisanship if Democrats had held up consideration of 125 judicial nominees and the Senate had only confirmed two, but just the opposite is true.

I understand the frustration that Senator FRIST feels regarding the continuing impasse over the nominations of Mr. Estrada and Judge Owen. I am sorry that the White House has chosen confrontation over cooperation with the Senate on these matters. It is too bad that this White House will not work with us, as Senator BENNETT and others have indicated was reasonable, in order to provide access to the materials we requested from Mr. Estrada and the Justice Department one year ago today. With respect to the renomination of Judge Owen, I have said that unprecedented renomination of a judicial nominee rejected after a hearing and a fair debate and vote before the Judiciary Committee was ill advised. It remains so.